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Paper No. 21

CHOATE, HALL & STEWART  
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BOSTON, MA 02109

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JUN 2 1 2004

OFFICE OF PETITIONS

In re Application of  
Michael T. Caplan, et al.  
Application No. 09/976,963  
Filed: October 12, 2001  
Attorney Docket No. 2002834-0115

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ON PETITION

This is a decision in response to a petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee filed June 18, 2004.

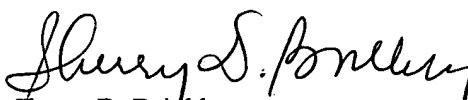
The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid January 20, 2004, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries relating to this decision should be directed to the undersigned at (703) 305-9220.

After the application is received in the Office of Petitions, the file will be forwarded to Technology Center AU 1614 for further processing of the request for continued examination under 37 CFR 1.114.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

<sup>1</sup>The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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Paper No. 22

Date : June 21, 2004  
TO : Director, Office of Patent Publication  
FROM : Office of the Deputy Commissioner  
for Patent Examination Policy  
SUBJECT : Withdrawal from Issue of

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JUN 21 2004

**OFFICE OF PETITIONS**

Applicant(s) : Michael T. Caplan, et al.  
Application No. : 09/976,963  
Filed : October 12, 2001

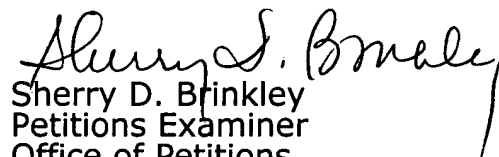
The above-identified application has been assigned Patent No. 6,753,343 and an issue date of June 22, 2004.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of June 22, 2004:

"All reference to Patent No. 6,753,343 to MICHAEL T. CAPLAN, ET AL. of CONNECTICUT for CONDUCTANCE OF IMPROPERLY FOLDED PROTEINS THROUGH THE SECRETORY PATHWAY AND RELATED METHODS FOR TREATING DISEASE appearing in the Official Gazette of June 22, 2004, should be deleted since no patent was granted."

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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